

REMARKS

Claims 1-11 are pending in the application. Claims 1 and 10 have been amended. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

In the Final Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. §102(b) as being anticipated by Dosaka (U.S. Patent No. 5,128,808). Applicant respectfully traverses the rejection for at least the following reasons.

Applicant's independent claim 1 recites an objective optical system configured to be implemented in a tip of an endoscope. The objective optical system includes a first lens unit having a first lens barrel and a first optical system including a plurality of lens elements assembled in the first lens barrel and aligned in a direction of a first common optical axis, and a second lens unit having a second lens barrel and a second optical system including a plurality of lens elements aligned in a direction of a second common optical axis.

Applicant's independent claim 10 recites a method of assembling an objective optical system that is configured to be implemented in a tip of an endoscope. The method includes, inter alia, forming a first optical system by assembling a first plurality of lenses in a first lens barrel such that the first plurality of lenses are aligned in a direction of a first common optical axis, and forming a second optical system by assembling a second plurality of lenses in a second lens barrel which is to be coupled to the first lens barrel such that the second plurality of lenses are aligned in a direction of a second common optical axis.

Dosaka discloses a turret condenser of a microscope which includes a first turret 7 that accommodates optical elements 4, and a second turret 9 that accommodates optical elements 6. See Figure 2, col. 1, lines 5-8 and col. 4, lines 10-22 of Dosaka.

Applicant respectfully submits that Dosaka's turrets 7 and 9 are not configured to be implemented in a tip of an endoscope, as recited in Applicant's independent claims 1 and 10. At page 4 of the Office Action, the Examiner asserts that the recitation "an optical system configured to be implemented in a tip of an endoscope" has not been given patentable weight because it occurs in the preamble. Applicant respectfully submits that it is improper to disregard this recitation, and submit that this recitation must be given patentable weight.

Section 2111.02 of the M.P.E.P. provides that any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. Section 2111.02 further provides that, during examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference between the claimed invention and the prior art. If so, the recitation serves to limit the claim.

Applicant respectfully submits that the recitation "configured to be implemented in a tip of an endoscope" limits the structure of the claimed invention to structures which are capable of being implemented in a tip of endoscope, and thus cannot be disregarded during examination of the claims.

Applicant respectfully submits that Dosaka's turrets 7 and 9 are not configured to be implemented in a tip of an endoscope, as recited in Applicant's independent claims 1

and 10, because they are too large to fit within the tip of an endoscope. As disclosed in the specification of the present application, an endoscope is inserted into a body cavity, and thus, its tip must have a very small circumference. Applicant respectfully submits that Dosaka's turrets 7 and 9 are not structurally capable of fitting in a tip of an endoscope, as the circumferential dimension of the turrets 7 and 9 must be large enough to house a plurality of microscope lens arranged in a plane, as shown in Figures 5 and 7 of Dosaka, for example. Thus, Applicant respectfully submits that Dosaka's turrets 7 and 9 are not configured to be implemented in a tip of an endoscope, as recited in Applicant's independent claim 1.

Applicant further submits that Dosaka fails to disclose or suggest a first lens barrel and a first optical system including a plurality of lens elements assembled in the first lens barrel and aligned in a direction of a first common optical axis, or a second lens unit having a second lens barrel and a second optical system including a plurality of lens elements aligned in a direction of a second common optical axis, as recited in Applicant's independent claims 1 and 10.

In the Office Action, the Examiner asserted that Dosaka's turret 9 reads on Applicant's claimed first lens barrel, and Dosaka's turret 7 reads on Applicant's claimed second lens barrel. Applicant respectfully disagrees.

Applicant respectfully submits that the optical elements 6 assembled in Dosaka's turret 9 are not aligned in a direction of a common optical axis, and submit that the optical elements 4 assembled in Dosaka's turret 7 are not aligned in a direction of a common optical axis. Rather, Applicant respectfully submits that the optical elements 6 are arranged side by side in the turret 9 in a common plane, and thus, have separate

optical axes, and the optical elements 4 are arranged side by side in the turret 7 in a common plane, and thus, have separate optical axes, as shown in Figures 2-5 and 7 of Dosaka.

Thus, Applicant respectfully submits that Dosaka fails to disclose or suggest an objective optical system configured to be implemented in a tip of an endoscope which includes a first lens unit having a first lens barrel and a first optical system including a plurality of lens elements assembled in the first lens barrel and aligned in a direction of a first common optical axis, and a second lens unit having a second lens barrel and a second optical system including a plurality of lens elements aligned in a direction of a second common optical axis, as recited in Applicant's independent claim 1.

Applicant further submits that Dosaka fails to disclose or suggest a method of assembling an objective optical system that is configured to be implemented in a tip of an endoscope, which includes forming a first optical system by assembling a first plurality of lenses in a first lens barrel such that the first plurality of lenses are aligned in a direction of a first common optical axis, and forming a second optical system by assembling a second plurality of lenses in a second lens barrel which is to be coupled to the first lens barrel such that the second plurality of lenses are aligned in a direction of a second common optical axis, as recited in Applicant's independent claim 10.

For at least these reasons, Applicant respectfully submits that Dosaka does not anticipate the inventions recited in Applicant's independent claims 1 and 10, and thus, respectfully request that the Examiner withdraw the 35 U.S.C. §102(b) rejection and allow claims 1 and 10.

Applicant respectfully submits that dependent claims 2-9 and 11 are in condition for allowance at least in view of their dependency from claim 1.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

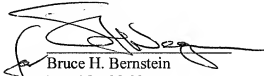
Applicant recognizes that the current status of the present application is after-Final. However, Applicant respectfully submits that entry of the present amendment is proper under the current circumstances, as Applicant has pointed out deficiencies of the Office Action, and submits that the present claims are in condition for allowance. Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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